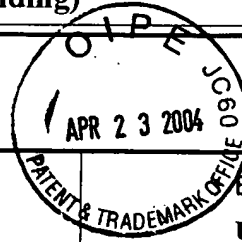


DAC #

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
FIS920010165US1 (14775)

In Re Application Of: Kevin J. Reardon

Serial No.
09/933,602Filing Date
August 21, 2001Examiner
UnknownGroup Art Unit
2161

Title: A SYSTEM AND METHOD FOR BUSINESS ANALYSIS AND PLANNING

RECEIVED

APR 23 2004

OFFICE OF PETITIONS

TO THE COMMISSIONER FOR PATENTS:Transmitted herewith is: **Petition For Revival Of An Application and A Response to Notice to File Missing Parts of Application**

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.
- ☒ Charge the amount of **\$110.00**
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

09-0458/IBM

Signature

Dated: April 21, 2004

Steven Fischman
Reg. No. 34,594**Correspondence Address**

Customer No.: 23389

I certify that this document and fee is being deposited on 4/21/04 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

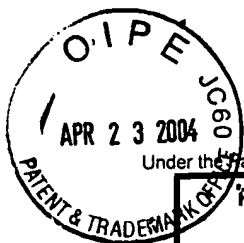
Signature:

Steven Fischman

Typed or Printed Name:

cc:

SF:WAP:jf



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
FIS920010165US1 (14775)

First Named Inventor: Kevin J. Reardon

Art Unit: 2161

Application Number: 09/933,602

Examiner: Unknown

Filed: August 21, 2001

Title: A SYSTEM AND METHOD FOR BUSINESS ANALYSIS AND PLANNING

APR 28 2004

OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

04/26/2004 SDIRETAI 00000124 090458 09933602

01 FC:1452 110.00 DA

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(l)) Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

(Charge account indicated on transmittal cover sheet)

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

copy of original response to Notice to File
Missing parts including executed Declaration of Attorney and Assignment

- ☒ has been filed previously on November 7, 2001
☒ is enclosed herewith.

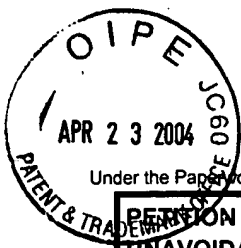
B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/61 (09-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
FIS920010165US1

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ other than a small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.

April 21, 2004
Date

Steven Fischman
Signature

516-742-4343
Telephone Number:

Steven Fischman
Typed or printed name

34,594
Registration Number, if applicable

Correspondence Address:
Address

Customer No. 23389
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

April 21, 2004
Date

Steven Fischman
Signature

Steven Fischman
Typed or printed name of person signing certificate



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/61 (09-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

April 21, 2004
Date


Signature

34,594
Registration Number, if applicable

Steven Fischman
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

A Notice to File Missing Parts dated September 24, 2001 was received by Applicants' representatives (Messrs. Scully, Scott, Murphy and Presser). In accordance with instructions by the Assignee (International Business Machines Corporation), Messrs. Scully, Scott, Murphy and Presser forwarded the Notice to File Missing Parts to in-house counsel for assignee (Mr. Jay Anderson, Esq.) on October 2, 2001.

Upon information and belief, Applicants' in-house counsel prepared and forwarded a Response to the Notice to File Missing Parts to the US Patent and Trademark Office on November 7, 2001. The Response contained: a copy of the Notice to File Missing parts, a properly executed Declaration/Power of Attorney, a properly executed Assignment, PTO form 1595, PTO form 1533, two receipt acknowledgment postcards in addition to an authorization to charge any required fees to the Assignee's deposit account. In accordance with 37 C.F.R. 1.8, the Response was properly certified and deposited with the U.S. Postal Service as first class mail on November 7, 2001.

Upon information and belief, the US Patent and Trademark Office (PTO) duly received the Response to the Notice to File Missing Parts. This is evidenced by the Assignee's receipt of the acknowledgement postcard acknowledging the PTO's receipt of the executed Declaration and the Response to the Notice of Missing Parts and the receipt acknowledgement postcard acknowledging the receipt of an assignment. Copies of the postcards each indicating a stamped seal from the Office of Initial Patent Examination (OIPE) bearing a date of February 5, 2002 that were returned to the Assignee are submitted herein as Exhibit A.

Upon information and belief, Messrs. Scully, Scully, Scott, Murphy and Presser subsequently received a Notice of Abandonment dated December 17, 2003 indicating that the present application had been abandoned for failure to timely or properly reply to the Notice to File Missing Parts that was mailed on September 24, 2001.

Applicants respectfully submit that through no fault of their own, the duly filed Response to the Notice to File Missing Parts, although indicated as being received by the US Patent and Trademark Office, was not properly delivered to the Examiner's file, thus constituting an "unavoidable" delay. As mentioned above, included herewith, copies of all original documents as previously submitted in addition to the postcards bearing the OIPE seal are attached as evidence to refute the assertion that the Applicants did not respond to the Notice to File Missing Parts in a timely manner.

(continued)
(Please attach additional sheets if additional space is necessary)

Therefore, in view of the above stated events, Applicants respectfully request that the Petition-to-Revive the present application be granted on the grounds of unavoidable delay due in no part to any actions of the Applicants.

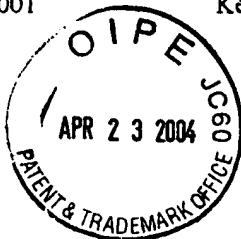


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/933,602	08/20/2001	Kevin J. Rcardon	FIS920010165US1 (14775)

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City
Garden City, NY 11530



CONFIRMATION NO. 6766

FORMALITIES LETTER



OC00000006779569

Date Mailed: 09/24/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**Docket No.
FIS9-2001-0165US1In Re Application Of: **KEVIN J. REARDON**APR 23 2004
PATENT & TRADEMARK OFFICE 09Serial No.
09/933,602Filing Date
08-21-01

Examiner

Group Art Unit
2161Invention: **A SYSTEM AND METHOD FOR BUSINESS ANALYSIS AND PLANNING****TO THE ASSISTANT COMMISSIONER FOR PATENTS:****Box Missing Parts**

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
09-24-01
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

ASSIGNMENT AND FORM PTO-1595

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**Docket No.
FIS9-2001-0165US1In Re-Application Of: **KEVIN J. REARDON**Serial No.
09/933,602Filing Date
08-21-01

Examiner

Group Art Unit
2161Invention: **A SYSTEM AND METHOD FOR BUSINESS ANALYSIS AND PLANNING****TO THE ASSISTANT COMMISSIONER FOR PATENTS:****Box Missing Parts**☒ Completion of application fees as calculated below:☐ Utility application filing fee _____☐ Design application filing fee _____☐ Total number of independent claims = _____☐ Total number of claims = _____☐ Multiple dependent claims _____☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**☐ Petition and fee for filing by other than all the inventors or a person not the inventor _____☐ Fee for processing an application filed with a non-English language specification _____☐ Fee for processing and retention of application _____Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five monthsfrom: _____ until: _____
Date Date

Total time extension fees _____

Total fees due **\$130.00**

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)****Docket No.
FIS9-2001-0165US1**In Re Application Of: **KEVIN J. REARDON****Serial No.
09/933,602****Filing Date
08-21-01****Examiner****Group Art Unit
2161****Invention: A SYSTEM AND METHOD FOR BUSINESS ANALYSIS AND PLANNING****TO THE ASSISTANT COMMISSIONER FOR PATENTS:****Box Missing Parts**The fee of **\$130.00** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **09-0458 FI-637**
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
A duplicate copy of this sheet is enclosed.


SignatureDated: **7 November 2001**

Jay H. Anderson
Registration No. 38,371
Telephone No. 845-894-3667
Fax No. 845-892-6363

I certify that this document and fee is being deposited
on **11/7/01** with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.

K. C. INQ-MARS

Signature of Person Mailing Correspondence

Karen Inq-Mars 11/7/01
Typed or Printed Name of Person Mailing Correspondence

cc:

Packet No.: FIS9-2001-0165US1

FORM PTO-1595 (Modified)
(Rev. 03-01)
OMB No. 0651-0027 (exp. 5/31/2002)
P08/REV03



RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

PATENTS ONLY

Tab settings → → → ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

KEVIN J. REARDON

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: 10-26-01

2. Name and address of receiving party(ies):

Name: International Business Machines Corporation

Internal Address: _____

Street Address: New Orchard RoadCity: Armonk State: NY ZIP: 10504Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.

09/933,602

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE AD-
DRESSED TO: COMMISSIONER OF PATENTS AND TRADE
MARKS, WASHINGTON, D.C. 20231, ON

DATE OF DEPOSIT

NAME OF PERSON MAKING DEPOSIT

SIGNATURE AND DATE

B. Patent No.(s)

Application numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Steven FischmanInternal Address: Scully, Scott, Murphy & PresserStreet Address: 400 Garden City PlazaCity: Garden City State: NY ZIP: 11530

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

8. Deposit account number:

09-0458 FI-637

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jay H. Anderson, Reg. No. 38,371

Name of Person Signing

Signature

7 Nov 2001

Date

Total number of pages including cover sheet, attachments, and document:

2

(IBM Docket No.: FIS920010165US1)

ASSIGNMENT

Whereas, I

Inventor
and City(1) Kevin J. Reardon
County of FairfieldCity of Riverside
and State of Connecticut

Title

have invented certain Improvements in

A SYSTEM AND METHOD FOR BUSINESS ANALYSIS AND PLANNING

Date That
Inventor
Signed the
Declaration

and have executed, respectively, a United States patent application therefor on

(1) 10-26

2001.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

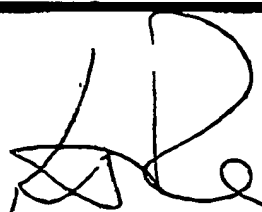
Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, I the above named hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and I request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and I hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

City

(1) Signed at Somers, NY

Date

on 10-26-01



(Kevin J. Reardon) inventor
First Name Middle Initial Last Name

PAGE 1 of 1

P-3

203-637-0149

Reardon

NOV 07 01 10:50A

NOV 07 '01 12:30

914 766 8384

PAGE.01

** TOTAL PAGE.11 **

11/07/2001 12:58

914 56-8384

IBM IG

Atty. Docket No. FIS920010165US1
SSMP Docket No. 14775

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A SYSTEM AND METHOD FOR BUSINESS ANALYSIS AND PLANNING
the specification of which (check one)



is attached hereto.

was filed on 08-21-01 as Application Serial No. 09/933,602 and was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Number	Country	Day/Month/Year	Priority Claimed
--------	---------	----------------	------------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Applications:

Serial No.	Filing Date	Status
------------	-------------	--------

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Joseph P. Abate, Reg. No. 30,238; Jay Anderson, Reg. No. 38,371; Ira D. Blecker, Reg. No. 29,894; Steven Capella, Reg. No. 33,086; Daryl K. Neff, Reg. No. 38,253; Eric W. Petraske, Reg. No. 28,459; H. Daniel Schumann, Reg. No. 35,791; William P. Skladony, Reg. No. 33,787; Marc D. Schechter, Reg. No. 28,889; Tiffany L. Townsend, Reg. No. 43,199; T. Rao Coca, Reg. No. 29,784; Harold Huberfold, Reg. No. 26,665; Todd M.C. Li (Reg. No. 45,554); Susan Murray, Reg. No. 38,252; Margaret A. Pepper, Reg. No. 45,008; Christopher A. Hughes, Reg. No. 26,914; Edward A. Pennington, Reg. No. 32,588; John E. Hoot, Reg. No. 26,279; Joseph C. Redmond, Jr., Reg. No. 18,753; Richard L. Catania, Reg. No. 32,608; Leopold Presser, Reg. No. 19,827; Frank S. DiGiglio, Reg. No. 31,346; Kenneth L. King, Reg. No. 24,223 and Edward W. Grotz (Reg. No. 33,705); Steven Fischman (Reg. No. 34,594).

Send all correspondence to:
Steven Fischman, Esq.
Scully, Scott, Murphy & Pressor
400 Garden City Plaza
Garden City, NY 11530

Direct Telephone Calls to: Steven Fischman, (516) 742-4343

BEST AVAILABLE COPY

1/07/2001 12:58

914-766-8384

IBM TG

PAGE 02/06

Atty. Docket No. FIS920010165US1
SSMP Docket No. 14775

(1)

Inventor:

Kevin J. Reardon

Signature:

10/26/01

Date

Residence:

40 Wesskum Wood Road
Riverside, CT 06878

Citizenship:

USA

Post Office

Address:

Same as residence

Page 2 of 2

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p.2

203-637-0149

Reardon

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PAGE 02